

Application No. 09/881,684  
Amendment filed January 30, 2004  
Reply to Final Office Action dated September 30, 2003

Attorney Docket No. 032566-011  
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### REMARKS

Claims 1-30, 32, 34-41, 43-49, 52-64, 71 and 72 are pending, with claims 1, 49, 53, 71, and 72 being in independent form. Entry of this Amendment would result in claim 1 being amended, and claims 12, 13, 21, 25, 49, 52, and 63-72 being canceled without prejudice or disclaimer.

At the outset, Applicant acknowledges with appreciation the indication that claims 53-62 and claim 72 are allowable. With respect to claims 53-62, while Applicant agrees with the Examiner that the removal of the passivation layers can activate the carbon nanotubes for certain applications, persons interpreting these claims should not limit their scopes only to such activation.

By this Amendment, Applicant proposes that claim 1 be amended to incorporate the allowable subject matter of claim 72, rendering claim 1 and dependent claims 2-30, 32, 34-41, and 43-48 allowable. Claim 72 would be canceled, accordingly. Applicant reserves the right to file a continuation application with claims of similar scope and subject matter to claim 1 as pending prior to entry of this Amendment.

Applicant further proposes the cancellation of finally rejected claims 12, 13, 21, 25, 49, 52, and 63-71. Applicant again reserves the right to file a continuation application with claims of similar scope and subject matter to the subject matter of the proposed canceled claims.

Finally, Applicant proposes the entry of new dependent claims 73-75. These claims correspond to previously withdrawn claims 65-67, which were the subject of a prior-raised restriction requirement. The claims as proposed would ultimately depend from proposed claim 1, and as such are considered to be allowable for at least the same reasons that claim 72 has been allowed. Applicant also proposes that a like number of finally rejected claims (e.g., claims 12, 13, 21, and 25) be canceled in light of requesting entry of claims 73-75.

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For the foregoing reasons, Applicant believes entry of this Amendment would put the application in condition for allowance. Thus, it is respectfully requested that the Amendment be entered, and a Notice to this effect be provided at an early date. If any questions remain or if it is believed that this Amendment does not place the application in condition for allowance, the Examiner is invited to contact the undersigned at the below-listed telephone number prior to issuing an Advisory Action in this matter.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

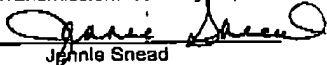
  
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Date: January 30, 2004

I hereby certify that this correspondence is being sent by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to the following facsimile number:

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Jennie Sneed